

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 WILLIAM F. GILYARD,)
)
 Defendant.)

ORDER

Defendant William Gilyard has filed a motion to reconsider my denial of his previous motion set aside his conviction. As with the earlier motion, he filed this motion in his closed criminal case. He attached, however, portions of the docket sheet from his closed civil case brought under 28 U.S.C. § 2255. Whichever case this is filed in, it is too late.

Gilyard was convicted after a trial in September of 2001. He was sentenced in November of 2001. His appeal was final in June of 2003. He filed his motion to vacate the conviction under 28 U.S.C. § 2255 in 2004, and that motion was denied in 2006. Both the District Court and the Court of Appeals denied a certificate of appealability. Gilyard has not received permission from the Court of Appeals to file a successive § 2255 motion. As stated in my earlier order, I have no jurisdiction to vacate the conviction. Accordingly,

IT IS HEREBY ORDERED that defendant's motion for reconsideration [#197] is denied.

Catherine D Perry
CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 12th day of November, 2009.